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BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting
December 4, 2007

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Vice Chairman, at 1:04 P. M., Tuesday, December 4, 2007, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: George H. Schwartz; M. S. "Joe" Brito; Mark Dudenhefer, Vice Chairman; Peter J. Fields; Robert C. Gibbons and Paul V. Milde. Mr. Cavalier was absent.

Also in attendance were: Steve Crosby, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

Legislative; Presentation of Proclamations.

- Recognize and commend Lieutenant General G. R. (Ron) Christmas for His Efforts on Behalf of the National Museum of the Marine Corps and Heritage Center
- Recognize and commend Dr. George B. Quick and the Shiloh Community
 Services Corporation for Sponsoring a Celebration to Commemorate Dr. Martin Luther King, Jr.

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<u>Presentation by Dr. David A. Sam Regarding North Stafford Campus of Germanna</u>

<u>Community College.</u> Dr. David Sam gave a presentation to the Board and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Milde, to request the Chairman of the Board of Supervisors to send a letter to the Governor, Senator Elect Richard Stuart, Speaker of the House William Howell requesting reinstatement of funds for Germanna Community College.

The Voting Board tally was:

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Yea: (6) Milde, Schwartz, Brito, Dudenhefer, Fields, Gibbons

Nay: (0)

Absent: (1) Cavalier

<u>Legislative</u>; <u>Report of the Superintendent of Schools.</u> Dr. David E. Sawyer, Division Superintendent of Schools, gave a presentation on current issues and responded to Board members questions.

<u>Legislative</u>; <u>Presentations by the Public-I.</u> The following persons spoke on topics as identified:

Gary Johnson - Non-subsidized pump and haul at 29 Mynell Street.

Lou Silver - Government services.

- Tax relief for the elderly and disabled.

Water supply and taps available.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members.</u> Board members spoke on topics as identified:

Mr. Schwartz - No report

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Mr. Brito - School Strategic Plan Committee.
- Regional Elected Officials meeting.

Dirt path connecting Austin Ridge Drive and Mine Road.

Mr. Dudenhefer

Water conservation.

 Refer portion of Mine Road improvements connecting Hampton Oaks and Austin Ridge to Transportation Commission.

Mr. Fieldds

 Attended Rappahannock Regional Solid Waste Management Board meeting.

- Rappahannock River Basin Commission.

Mr. Gibbons

- Eagle Scout Award for Evan Roberts.

 Requested a proclamation next Board meeting for Barbara Kirby.

- Ambulance fee program.

- Budget on transportation.

Mr. Milde

- DECA initiatives.

- Supervisors Course on budgeting.

 Potomac and Rappahannock Transportation Commission.

- Dominion Power issues at Marlborough Point.

Attended Potomac Watershed Roundtable Meeting

Attended University of Virginia seminar on land use.

- Attended Virginia Association of Counties meeting.

Attended Chaplain Group Home meeting.

Attended George Washington Regional Commission meeting.

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		11/20 12/04/07 – Page 4	
	- - -	Attended Virginia Railway Express meeting. Attended Lions Club meeting. Attended Commonwealth Transportation Board meeting. Attended Northern Virginia Conservation Trust meeting. Rappahannock Regional Solid Waste Management Board meeting. Placed a wreath on Veterans Memorial. Attended Aquia Harbour Rescue Squad meeting. Civilian Military Community Relations Council	Formatted: Bulleted + Level: 1 + Aligned at 2" + Tab after: 2.25" + Indent at: 2.25"
	- - - -	Mattended University of Mary Washington meeting. Attended North Stafford Business Roundtable meeting. Attended Rappahannock Regional Solid Waste Management Board meeting. Regional Elected Officials meeting. Attended Base Realignment and Closure meeting. Attended Purchase of Development Rights Committee meeting. Death of Edith Fleming. - Item 17, Stafford Town Station, deleted from the	Formatted: Bulleted + Level: 1 + Aligned at: 2" + Tab after: 2.25" + Indent at: 2.25" Formatted: No bullets or numbering
	Mr. Gibbons continued Mr. Schwartz continued	Regular Agenda. - Illness of Joan Shea who donated Woodlands Pool. Remove Item 5 from the Consent Agenda.	Formatted: No bullets or numbering

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Mr. Milde

continued - Removed Item 9; will be considered on December 18, 2007.

<u>LeLegislative</u>; Report of the County Attorney. Mr. Joe Howard, County Attorney, commented on the following:

Item 3a. Revised pages 8 and 9 of proposed Ordinance O07-80.

<u>Legislative</u>; Report of the County Administrator. Mr. <u>Steve Crosby</u>, County Administrator, commented on the following:

- Addition.

<u>Proposed Resolution R07-497 - A Resolution to Rescind and</u> <u>Terminate Proposed Amendments to the Comprehensive Plan.</u>

Deletions: Item 13. Planning; Consider an Amendment to the
Land Use Plan Component of the Comprehensive Plan; Item 16.

Planning; Adopt an Amendment to the Land Use Plan Component
of the Comprehensive Plan; Item 14. Planning; Amend and
Reordain the Zoning Ordinance by Amending the Zoning District
Map to Reclassify from R-1, Suburban Residential, to B-2, Urban
Commercial, 1.48 Acres at 2772 Jefferson Davis Highway; Item
15. Planning; Consider a Conditional Use Permit to Allow Two
Hotels in a HC, Highway Corridor Overlay Zoning District at
2772 Jefferson Davis Highway; and Item 17. Planning; Amend
and Reordain the Zoning Ordinance by Amending the Zoning
District Map to Reclassify from A-1, Agricultural and B-1,
Convenience Commercial Zoning Districts to P-TND, Planned
Traditional Neighborhood Development Zoning District at 26
State Shop Road for Stafford Town Station.

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- Presented his final County Administrator's Report.

Mr. Schwartz motioned, seconded by Mr. Fields, to approve the addition and deletions to the Regular Agenda and to adopt proposed Resolution R07-497.

The Voting Board tally was:

Yea: (6) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Absent: (1) Cavalier

Resolution R07-497 reads as follows:

A RESOLUTION TO RESCIND AND TERMINATE PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN

WHEREAS, at a meeting on May 15, 2007 the Board adopted Resolution R07-223 which initiated an amendment to the Comprehensive Plan on Tax Map Parcels 30-5 and 30-2C; and

WHEREAS, the land owner of the effected property has withdrawn applications for reclassification and conditional use permits; and

WHEREAS, the applications are no longer valid and the Board desires to rescind Resolution R07-223; and

WHEREAS, the Applicant for the proposed Stafford Town Station development submitted an application to amend the Comprehensive Plan amending the Land Use Plan on Assessor's Parcels 38-29, 29A, 121, 121A, 122, 122A, and 124 from Urban Commercial, Light Industrial, Rural Residential, and Resource Protection to Urban Commercial, Urban Residential, and Resource Protection and expanding the Urban

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<u>Services Area would reflect the future land use in the area located on the east side of</u>
Jefferson Davis Highway at Eskimo Hill Road pursuant to Resolution R07-250; and

WHEREAS, the property owner of Stafford Town Station has terminated the proposed reclassification and Comprehensive Plan applications for the property; and

WHEREAS, the Board believes that consideration of the proposed

Comprehensive Plan amendment for Stafford Town Station is no longer appropriate and should be terminated;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors on this the 4th day of December, 2007, that Resolution R07-223 be rescinded and consideration of the proposed Comprehensive Plan amendment for Stafford Town Station be and it hereby is terminated.

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Fields motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 1 thru 5 deleting Item 5.

The Voting Board tally was:

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Yea: (6) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Absent (1) Cavalier

<u>Item 1. Legislative</u>; Approve Minutes of Board Meetings. Regular Meeting of October 16, 2007, and Special Meeting of November 13, 2007.

Item 2. Finance; Approve Expenditure Listing

Resolution R07-471 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)

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DATED NOVEMBER 20, 2007 THROUGH DECEMBER 3, 2007

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December 2007, that the above-mentioned EL be and it hereby is approved.

Item 3. Legislative; Authorize Public Hearings.

Resolution R07-472 reads as follows:

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A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN
CHAPTER 21 OF THE STAFFORD COUNTY CODE

WHEREAS, the Board desires to amend Chapter 21 of the Stafford County Code governing the disposal of solid waste; and

<u>WHEREAS</u>, the Board desires to consider public comments concerning the proposed changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2007, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of amending Chapter 21 of the Stafford County Code.

Resolution R07-473 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO ADVERTISE A PUBLIC HEARING TO VACATE A SANITARY SEWER

EASEMENT ON A/P 44N-2-13

WHEREAS, a sanitary sewer easement was recorded on A/P 44N-2-13, but a sanitary sewer was never constructed in the easement; and

WHEREAS, the sanitary sewer easement is no longer needed for County use; and

WHEREAS, in accordance with the Code of Virginia, a public hearing is required;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2007, that the County Administrator be and he hereby is authorized to advertise a public hearing regarding the vacating of the sanitary sewer easement on A/P 44N-2-13.

Resolution R07-465 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO CONSIDER ENTERING
INTO AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF
TRANSPORTATION FOR THE REMOVAL OF ILLEGAL
ADVERTISEMENTS WITHIN THE LIMITS OF THE HIGHWAY

WHEREAS, the Board has the authority to enter into an agreement with the Virginia Department of Transportation (VDOT) under Section 33.1-375.1 (D), Va. Code Ann., (1950), as amended; and

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WHEREAS, the Board desires to consider public comments concerning the proposed agreement with VDOT for the removal of illegal advertisements within VDOT rights-of-way; NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December 2007, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of entering into an agreement with VDOT for the removal of illegal advertisements within the limits of the highway. Resolution R07-477 reads as follows: A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING FOR SANITARY SEWER AND STORM DRAINAGE EASEMENTS ON COUNTY-OWNED PROPERTY AT SMITH LAKE PARK WHEREAS, Brookfield Woodstream, L.L.C. is requesting a sanitary sewer and a storm drainage easement on County-owned property at Smith Lake Park; and WHEREAS, in exchange for the easements, the developer has agreed to provide a 300' long, 48" high chain link fence to be located at a mutually agreed upon location in the park; NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2007, that the County Administrator be and he hereby is authorized to advertise a public hearing on a sanitary sewer and a storm

drainage easement on County-owned property at Smith Lake Park.

Item 4. Legislative; Increase Funding for George Washington Regional Commission for Micah Foundation Resolution R07-480 reads as follows: A RESOLUTION TO INCREASE FUNDING FOR THE GEORGE WASHINGTON REGIONAL COMMISSION FOR THE MICAH **FOUNDATION** WHEREAS, Micah Ecumenical Ministries had requested \$12,000 from the George Washington Regional Commission localities for its Hypothermia Shelter; and WHEREAS, at a meeting on October 2, 2007 the Board authorized funding for the George Washington Regional Commission for a hypothermia shelter in the amount of Four Thousand Seven Hundred Forty-three Dollars (\$4,743); and WHEREAS, the Micah Ecumenical Ministries has requested additional funding related to the program in the amount of \$600 and the Board desires to provide the additional funds; NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December 2007 that the Board be and it hereby does authorize the County Administrator to provide an additional Six Hundred Dollars (\$600.00) to the George Washington Regional Commission for the Micah Ecumenical Ministries. Legislative; Expand the Scope of the Cable Television Advisory Committee to Include Telecommunications Issues and Change the Name to the Stafford County Cable and **Telecommunications Commission.**

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Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-476 with changes.

Discussion ensued.

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The Voting Board tally was:

Yea:	(6)	Fields, Gibbons, Milde, Schwartz, Brito, Dudenhefer
Nay:	(0)	
Absent	(1)	Cavalier

Resolution R07-476 reads as follows:

A RESOLUTION TO EXPAND THE SCOPE OF THE CABLE TELEVISION
ADVISORY COMMITTEE TO INCLUDE TELECOMMUNICATIONS ISSUES
AND TO CHANGE THE NAME OF THE CABLE TELEVISION ADVISORY
COMMITTEE TO THE STAFFORD COUNTY CABLE AND TELECOMMUNICATIONS COMMISSION

WHEREAS, the Cable Television Advisory Committee has provided an oversight of cable television services, and has become increasingly involved in telecommunications issues; and

WHEREAS, the Board recognizes that telecommunication services are critical in helping the County as a whole in terms of economic benefit and quality of life of its residents; and

WHEREAS, many residents of Stafford possess the knowledge and expertise in the area of telecommunications which may be beneficial to this purpose; NOW, THEREFORE, BE IT RESOLVED by the Stafford Board of Supervisors on this the 4th day of December, 2007, that the following charter be and it hereby is adopted for the Stafford County Cable and Telecommunications Commission:

CHARTER

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Section 1: The Stafford County Cable and Telecommunications Commission is an advisory group to the Board of Supervisors. The commission promotes and encourages compliance with the franchise agreements among the cable companies operating within Stafford County, reviews and advises the Board on cable service, telecommunications, broadband (both wireline and wireless) and local infrastructure issues, and promotes local community programming to keep citizens informed.

Section 2: Definitions

Broadband refers to advanced communications systems capable of providing high-speed transmission of services such as data, voice, and video over the Internet and other networks. Transmission is provided by a wide range of technologies, including digital subscriber line and fiber optic cable, coaxial cable, wireless technology, and satellite.

"Cable service" means (A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and (B) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"Commission" shall mean the Cable Television and Telecommunications Commission.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing (e.g., data, video, and voice), without change in the form or content of the information sent and received.

Section 3: Composition of the Commission

The commission shall consist of seven voting members appointed by the Board of Supervisors representing each of Stafford's seven election districts. In addition, the County school system shall have a non-voting member. The County government shall also have three non-voting members, two from the County Administrator's Office and one from the Information Technology Office. The commission shall have the ability to increase the number of non-voting members as warranted.

Section 4: Terms of Members

Each voting member appointed by the Board of Supervisors shall be appointed to a one-year term that expires on December 31.

Section 5: Officers

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The voting members of the commission shall elect a chairperson and vice-chairperson from the voting members each year at the January meeting. One of the County government representatives shall serve as the commission secretary.

Duties of the Officers:

Chairperson – It shall be the responsibility of the chairperson to preside over all meetings of the commission.

- 1. The chairperson may from time to time make appointments to subcommittees
- 2. The chairperson may call special meetings of the commission
- 3. The chairperson may vote on all issues pending before the committee
- 4. The chairperson may make motions
- 5. The chairperson shall preserve order and decorum

Vice-Chairperson – the vice-chairperson shall preside over all meetings in the absence of the chairperson. In addition, the vice-chairperson may preside at any

time the chairperson requests that he/she preside. The vice-chairperson shall have the same powers as the chairperson when presiding over meetings.

Secretary – The secretary shall be responsible for maintaining attendance records and minutes of the commission's meetings. The secretary shall ensure that notice of all meetings is sent to commission members.

Section 6: Purposes and Duties of the Commission:

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- Advise and make recommendations to the Board of Supervisors on all telecommunication and cable service issues.
- Review and consider subscriber complaints regarding grantee services and
 operations; assist in resolving disputes regarding the conduct and performance of
 the grantee in accordance with all applicable cable service, telecommunications
 and broadband requirements in the local code and/or licenses, contracts or
 franchises granted by the County.
- Monitor the activities and operation of franchise grantees to ascertain compliance
 with the requirements of the franchise; meet with representatives of the grantee as
 necessary to resolve problems and facilitate cable operations consistent with
 franchise requirements.
- Advise the Board with regards to proposed rate changes for cable services.
- Assist the Board in the establishment of new cable franchises and cable franchise renewals.
- Provide advice and make recommendations to the Board pertaining to open video systems (as defined in federal law), broadband (wireline or wireless), Wi-Max, Wi-Fi and new telecommunication technologies and opportunities for use by residents and businesses in Stafford County.
- Identify new emerging technologies that merit further review.
- Provide advice and recommendations to the Board, if required, regarding cellular communications tower placement and other telecommunications infrastructure issues.

- Provide advice and recommendations to the County on use of public rights-ofway by communications providers.
- Investigate and support opportunities for expanded public wireless access in County facilities and venues.
- Provide advice and recommendations to the Board on providing and encouraging
 Internet and other broadband services to underserved areas of the County.
- Assist the Board by providing the oversight function for the operation of the local PEG channel.
- Recommend ways and means for promoting and utilizing the cable television system to further the objective of increased public participation and awareness of local government activities and events of regional significance.
- Keep the Board apprised of changes in FCC regulations and other statutes affecting the cable ordinance and cable systems.

Section 7: Meetings:

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The commission should have regularly scheduled monthly meetings. The chairperson may call special meetings as required. Notice of special meetings shall be provided to all commission members by the secretary. All meetings will be open to the public. The commission may go into closed meeting in accordance with the Virginia Freedom of Information Act (Sections 2.2-3711 and 3712 Va Code Ann.) upon a majority vote by the members in attendance. All votes will be taken in open session.

The proceedings of the commission shall be governed by <u>Robert's Rules of Order</u>. At any meeting a majority of the voting members shall constitute a quorum. All questions submitted to the commission for decision shall be determined by voice vote unless the chairperson requests a vote or by a show of hands. Members abstaining shall state their reason(s) for abstaining for the record. Minutes from each meeting shall be submitted to the Board of Supervisors in a timely manner by the Secretary.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2007, that the Cable Television

Advisory Committee be and hereby is designated as the Stafford County Cable and Telecommunications Commission based on the charter outlined in this Resolution.

Planning and Zoning; Appeal the Planning Commission Decision to Deny a Comprehensive Plan Compliance Review for Smith Lake Pointe. Mr. Milde motioned, seconded by Mr. Dudenhefer, to defer proposed Resolution R07-254 to the December 18th Meeting.

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The Voting Board tally was:

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Yea:	(6)	Gibbons, Milde, Schwartz, Brito, Dudenhefer, Fields
Nay:	(0)	
Absent:	(1)	Cavalier

<u>Utilities</u>; Consider the Use of a Low Pressure Sewer System for Tax Map 38, Parcel 55 for Seneca Ridge Subdivision. Mr. Dale Allen, Assistant Director of Utilities-Engineering, gave a presentation and responded to Board members questions.

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The County Attorney commented.

Mr. Clark Leming, Attorney on behalf of the Applicant, commented further.

Mr. Craig Johnson, Applicant, commented.

Mr. Brito motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R07-141 to deny.

Discussion ensued.

Mr. Gibbons made a substitute motion, seconded by Mr. Milde to adopt proposed Resolution R07-140.

The Voting Board tally on the substitute motion was:

Yea: (4) Dudenhefer, Fields, Gibbons, Milde

Nay: (2) Schwartz, Brito

Absent: (1) Cavalier

Resolution R07-140 reads as follows:

A RESOLUTION TO ALLOW THE USE OF A LOW PRESSURE SEWER SYSTEM FOR TM 38, PARCEL 55, SENECA RIDGE SUBDIVISION

WHEREAS, Resolution R90-434 (R-2) limits the use of low pressure sewer systems for new residential subdivisions to those specifically determined by the Board to be in the best interest of the County; and

<u>WHEREAS</u>, the developer of Seneca Ridge has been unable to obtain an easement for the needed gravity sewer;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2007, that use of a low pressure sanitary sewer system with grinder pumps be permitted on TM 38, Parcel 55; and

BE IT FURTHER RESOLVED that the developer shall comply with the following requirements:

. Ensure that deeds to each property contain a clause that the propertyowner shall be required to maintain a contract with a qualified repair firm
for maintenance and repair of the grinder pump should it fail.

Ensure that the covenants of the subdivision require the maintenance contract clause to be in the deed.

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Ensure that the recorded subdivision plat of each parcel contains a Notice to the Public that the pumps shall be the ownership of the property owners and the property owners are required to have a maintenance contract with a qualified repair firm.

Install each grinder pump outside the house.

5. Provide a backup power for each grinder pump.

5. Provide a manual transfer switch for each grinder located outside the house.

<u>Legislative</u>; <u>Discontinue Board Action on Land Use Matters Until January 2, 2008.</u>
<u>Mr. Fields withdrew this item from the Regular Agenda.</u>

<u>Utilities</u>; Authorize a Non-Subsidized Pump and Haul at 29 Mynell Street. Mr. Dale Allen, Assistant Director of Utilities-Engineering, gave a presentation and responded to Board members questions.

Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to defer proposed Resolution R07-341 to the December 18th meeting.

Discussion ensued.

The Voting Board tally was:

Absent:

Yea: (5) Dudenhefer, Fields, Gibbons, Milde, Schwartz

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Nay: (1) Brito

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Legislative; Discuss Accidents on Jefferson Davis Highway at Stafford Baptist Church.

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Mr. Milde commented.

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Hearing no objections from the Board, Mr. Milde requested this item be deferred to the Transportation Commission for full discussion with the Virginia Department of Transportation, and bring back to the Board at the first meeting in February.

<u>Legislative</u>; <u>Discuss Tax Relief for the Elderly and Disabled</u>. <u>Mr. Milde commented</u>.

The Commissioner of the Revenue commented further.

Discussion ensued.

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<u>Hearing no objections from the Board, Mr. Milde and Mr. Schwartz</u> were to further review and report back at the next Board meeting.

<u>Legislative</u>; <u>Discuss Remaining Water Capacity</u>. The County Administrator commented.

Mr. Brito commented further.

<u>Hearing no objections from the Board, the County Attorney</u> was to further review and report back to the Board.

<u>Legislative</u>; <u>Discuss Committee Report on HB3202</u>. <u>Mr. Gibbons gave a committee report.</u>

Discussion ensued.

Hearing no objections from the Board, it was requested that meetings on HB3202 be properly advertised for the public and held in Board Chambers.

<u>LegiLegislative</u>; <u>Closed Meeting.</u> At <u>3:51 P.M., Mr. Fields motioned</u>, seconded by <u>Mr. Schwartz</u>, to adopt proposed Resolution CM07-<u>34</u>.

The Voting Board tally was:

Absent:

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Yea: (6) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

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Resolution CM07-34 reads as follows:

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Cavalier

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A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regards to the Crow's Nest property acquisition, condemnation, and related litigation matter; and

<u>WHEREAS</u>, pursuant to Section 2.2-3711 A.3 and A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 4th day of December, 2007, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order: At 4:29 P.M., the Chairman called the meeting back to order.

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Resolution CM07-34a.

The Voting Board tally was:

Yea: (5) Dudenhefer, Fields, Gibbons, Milde, Schwartz

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Nay: (1) Brito
Absent: (1) Cavalier

Resolution CM07-34a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON DECEMBER 4, 2007

WHEREAS, the Board has, on this the 4th day of December, 2007, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 4th day of December, 2007, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Recess. At 4:32 P.M., the Chairman declared a recess.

<u>Call to Order.</u> At 7:003 P.M., the Chairman called the meeting back to order.

<u>Invocation</u>. Mr. Fields gave the Invocation.

<u>Pledge of Allegiance.</u> <u>Mr. Gibbons</u> lead in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on topics as identified:

John Druiett - Budget for Parks and Recreation.

- Budgets.
- Volunteers.
- Safe fields.

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<u>Finance</u>; <u>Budget and Appropriate Lease Revenue Proceeds for Certain Capital Projects.</u>

<u>Ms. Maria Perrotte, Chief, Financial Officer, gave a presentation and responded to Board members questions.</u>

The County Administrator commented.

Mr. Chris Hoppe, Acting Director of Parks and Recreation, commented further.

The Chairman opened a public hearing.

The following person spoke:

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Don Brookins

Patricia Kurpiel

Alvin Newton

John DeLoux

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-437.

The Voting Board tally was:

 Yea:	(4)	Gibbons, Milde, Schwartz, Dudenhefer
 Nay:	(2)	Fields, Brito
 Absent:	(1)	Cavalier

Resolution R07-437 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE LEASE PROCEEDS FOR CERTAIN CAPITAL PROJECTS

WHEREAS, the Board, on October 16, 2007, approved Resolution R07-435 requesting that the Economic Development Authority of Stafford County, Virginia issue Public Facility Lease Revenue Bonds to finance the renovation of the existing courthouse facilities; acquisition of land for and construction of new courthouse facilities, including juvenile and domestic relations court facilities; construction of a new library; development of Patawomeck Park; conversion of two existing soccer fields at Smith Lake Park to synthetic turf fields; acquisition and installation of a radio communications system; and refinancing certain Potomac Hills Fire and Rescue Station financing (the "Projects"); and

WHEREAS, proceeds from the issuance of the bonds need to be appropriated prior to their expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2007, that the County Administrator be and he hereby is authorized to budget and appropriate debt proceeds in the amount of \$95,320,000 as follows:

General Capital Projects Fund

Proceeds from the sale of bonds	\$95,320,000	
Capital Expenditures	\$95,320,000	

Mr. Gibbons motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R07-487.

The Voting Board tally was:

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Yea: (5) Gibbons, Milde, Schwartz, Brito, Dudenhefer

Nay: (1) Fields
Absent: (1) Cavalier

Resolution R07-487 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MOTOROLA FOR A RADIO COMMUNICATIONS SYSTEM

WHEREAS, the County radio communication system currently in use by public safety agencies and the County in general is in need of immediate replacement; and

WHEREAS, multiple factors contribute to the lack of reliability of the current system, such as inadequate coverage, television station interference, and lack of inoperability with certain neighboring jurisdictions; and

WHEREAS, this lack of communication reliability is a matter of life and death and a safety issue for first responders, as well as the health, safety, and property of County citizens; and

WHEREAS, the County solicited proposals for the design, delivery, installation, and testing of a 700 MHz Countywide digital radio system (the "System"); and

WHEREAS, the County has reviewed the proposals received and recommends that the Board enter into an agreement with Motorola, Inc. for the System; and

WHEREAS, the estimated cost of the proposed Motorola contract for the System is \$23,804,779; and

WHEREAS, on the 21st day of August, 2007 the County Administrator was authorized to express the County's intent to enter into an agreement with Motorola for the radio communications system subject to financing; and

WHEREAS, the County has authorized a financing plan and funds have been appropriated;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this 4th day of December, 2007, that the County Administrator be and hereby is authorized to enter into a contract with Motorola in the amount not to exceed Twenty-three Million Eight Hundred Four Thousand Seven Hundred Seventy-nine Dollars (\$23,804,779) for a radio communication system.

<u>Planning</u>; Consider a Conditional Use Permit to Allow A Child Care Center and School in an Agricultural Zoning District. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Clark Leming, on behalf of the Applicant

Justin Newberry

Herman Ball

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The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-454 with a change.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Brito, Dudenhefer, Fields, Gibbons

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Nay: (0)
Absent: (1) Cavalier

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Resolution R07-454 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT,

PURSUANT TO APPLICATION CUP2700594, TO ALLOW a CHILD

CARE CENTER AND SCHOOL IN AN A-1, AGRICULTURAL ZONING

DISTRICT ON ASSESSOR'S PARCEL 28-117, ROCK HILL ELECTION

DISTRICT

WHEREAS, Living Hope Lutheran Church, applicant, has submitted application CUP2700594 requesting a Conditional Use Permit to allow a child care center and school in an A-1, Agricultural Zoning District on the above-described property; and

WHEREAS, the application has been submitted pursuant to Stafford County Code Section 28-35, Table 3.1, of the Zoning Ordinance which permits this use in an A-1, Agricultural Zoning District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

<u>WHEREAS</u>, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2007, that a Conditional Use Permit, pursuant to application CUP2700594, be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is to allow a child care and school associated with a place of worship on Assessor's Parcel 28-117.
- Development of the site shall be in conformance with the Generalized
 Development Plan entitled "Living Hope Lutheran Church" prepared by Welford
 Engineering Associates, Inc., dated September 7, 2007, last revised October 26, 2007.
- 3. The standard hours of operation for the child care center and school shall be limited to 5:30 A.M. to 7:00 P.M. Monday through Friday.
- 4. There shall be no outdoor play activities from dusk to dawn.

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- 5. All outdoor play activities on the premises shall be supervised by employed individuals permitted to do so under state law and regulations.
- 6. The outdoor play areas shall be enclosed by a six (6) foot high, wooden slat fence.
- 7. All building entrances shall be properly illuminated in accordance with Crime Prevention Through Environmental Design (CEPTED) principles.
- 8. The building shall be in conformance with the proposed elevations, entitled "Living Hope Lutheran Church" prepared by Corkill Cush Reeves, P. A., dated November 6, 2007.
- 9. Building façade for the proposed building shall use brick and hardi-plank materials as indicated on the proposed elevations.
- 10. Total student capacity shall not exceed 216 students.

- 11. The child care center shall comply with all Commonwealth of Virginia

 Department of Social Services licensing requirements.
- 12. Any "Low Impact Development (LID)" features on site shall have signage indicating these areas shall not be disturbed.
- 13. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal or state law.
- 14. Applicant shall provide a remedy for damage or adverse impact to the private residential wells located on Harris Lane, which damage or adverse impact is scientifically proven to have been caused by the Applicant's development.

Planning; Consider a Conditional Use Permit to Allow Two Street Crossings in a Flood Hazard Overlay District on Hulls Chapel Road. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

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Clark Leming, on behalf of the Applicant

Thomas Cropp

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Fields, to defer proposed Resolution R07-458 for 30-60 days.

Discussion ensued.

Mr. Gibbons made a substitute motion, seconded by Mr. Milde, to defer proposed Resolution R07-458 to the December 18th Board meeting.

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The Voting Board tally on the substitute motion was:

Yea: (5) Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (1) Brito

Absent: (1) Cavalier

Planning; Consider a Conditional Use Permit to Allow a Street Crossing in a Flood

Hazard Overlay District in Riverside Business Park. Mr. Jeff Harvey, Director of

Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

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Clark Leming, on behalf of the Applicant

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-455 with a change.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Absent: (1) Cavalier

Resolution R07-455 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT
PURSUANT TO APPLICATION CUP2700642 TO ALLOW A
STREET CROSSING IN A FLOOD HAZARD OVERLAY
DISTRICT, ON ASSESSOR'S PARCELS 44-147, HARTWOOD
ELECTION DISTRICT

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WHEREAS, Richard Ward, applicant, has submitted application CUP2700642 requesting a Conditional Use Permit to allow a street crossing in a Flood Hazard Overlay District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to Stafford County Code Section 28-35, Table 3.1, of the Zoning Ordinance which permits this use in a Flood Hazard Overlay District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

<u>WHEREAS</u>, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2007, that a Conditional Use Permit pursuant to application CUP2700642 be and it hereby is approved with the following conditions:

- This Conditional Use Permit is for a street crossing in a Flood Hazard Overlay
 District on Assessor's Parcels 44-147 consisting of 1.04 acres.
- The location of the street crossing shall be in the general location shown on the Development Plan, titled Riverside Business Park, prepared by ATCS, P.L.C, dated August 23, 2007.
- 3. The applicant shall obtain all applicable Federal, State and County permits and authorizations for stream encroachment, water quality, wetlands, land disturbance, and Chesapeake Bay Preservation Area overlay district requirements.

- 4. The applicant shall, at the conclusion of construction, obtain a Letter of Map Revision (LOMR) for the project to reflect the as-built condition of the culvert.
- 5. Construction of the road crossing shall be limited to the hours of 7:00 a.m. to 8:00 p.m. daily, and weekends and holidays from 8:00 a.m. to 8:00 p.m.
- 6. The applicant shall submit to the County and receive approval of a major water quality impact assessment for the area affected by this application prior to constructing the access road culvert.
- The applicant shall notify the Department of Code Administration uponcommencing work on the access road culvert and associated fill areas along England Run.
- 8. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of any of these conditions or any applicable Federal, State, or County law.

<u>Legislative</u>; Closed Meeting. At 8:40 P.M., Mr. Fields motioned, seconded by Mr. Gibbons, to adopt proposed Resolution CM07-35.

The Voting Board tally was:

Yea: (6) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Absent: (1) Cavalier

Resolution CM07-35 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

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WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regards to the Crow's Nest property acquisition, condemnation, and related litigation matter; and

<u>WHEREAS</u>, pursuant to Section 2.2-3711 A.3 and A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 4th day of December, 2007, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order: At 9:25 P.M., the Chairman called the meeting back to order.

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Resolution CM07-35a.

The Voting Board tally was:

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Yea:	(6)	Fields, Gibbons, Milde, Schwartz, Brito, Dudenhefer
Nav:	(0)	
	(4)	_
Absent:	(1)	<u>Cavalier</u>

Resolution CM07-35a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON DECEMBER 4, 2007

WHEREAS, the Board has, on this the 4th day of December, 2007, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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Adjournment. At P. M., the Chairman declared the meeting adjourned.

Steve Crosby Jack R. Cavalier
County Administrator Chairman